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MOSCOW FOR REFCOORD TIM RICHARDSON
GENEVA FOR RMA IKE REED

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PARA 1

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TAGS: [PREL](#) [PREF](#) [PHUM](#) [KS](#) [KN](#)
SUBJECT: FOURTH ROUND OF USG-ROKG CONSULTATIONS ON NORTH
KOREAN ASYLUM SEEKERS

REF: STATE 84650

Classified By: POL M/C Joseph Y. Yun. Reasons 1.4 (b), (d).

SUMMARY

1. (C) Summary: DG Nam Gwan-pyo opened the 4th round of USG-ROKG consultations on North Korean asylum seekers on May 25 by commending the U.S. government on its endeavors to make the resettlement of North Korean asylum seekers in the U.S. possible, and saying that this consultation provides an opportunity to look at the implications of what has occurred. DG Nam observed that the case of the six North Koreans that were processed for U.S. resettlement in Bangkok had proceeded mostly according to plan, but that the ROK was surprised at the manner in which the case had arisen and concerned about NGOs publicizing the role the ROKG played in the process. Nam noted that there has been a significant increase in the number of North Korean asylum seekers crossing into Thailand and Mongolia during the last month.

2. (C) Nam concurred with the U.S. assessment that the incident involving the U.S. Consulate in Shenyang is an exceptional case, but worried about the implications for the ROK's own program for North Korean asylum seekers. Asked about how it will handle cases of North Korean asylum seekers in ROK facilities who "change their mind" and indicate interest in U.S. resettlement, Nam said that, while respecting North Koreans' free will to choose where they wish to be resettled, once that decision has been exercised and North Koreans are under the ROK's care, the ROKG cannot under its legal system assist North Koreans in going to a country other than the ROK. The U.S. delegation raised the case of the three North Koreans that approached ConGen Vladivostok on May 24; the ROK reported that it had no information about being contacted by these individuals, but would check with its Consulate in Vladivostok. The U.S. delegation noted the need for the U.S. to consider resettling North Korean asylum

seekers from Mongolia, and that the USG planned to work with the ROKG on a contingency plan for handling cases that might arise there. DOS and DHS representatives responded to ROK concerns about granting asylum in the U.S. to North Koreans who have been resettled in the ROK. DG Nam said the ROK hopes to continue these consultations on these important issues. End Summary.

13. (C) An interagency delegation composed of representatives from EAP, PRM, L, DHS, and Embassy met with an ROKG interagency delegation for the fourth round of USG-ROKG consultations on North Korean asylum seekers. (Note: Delegation list in para 17. End Note.) Both sides agreed that this round, unlike previous rounds, was not a negotiation, but an opportunity to reaffirm previous agreements, exchange views on recent events and discuss implications for future trends and cooperation. Director General for Policy Planning Nam Gwan-pyo opened the discussions by commending the U.S. government on its endeavors to make the resettlement of North Korean asylum seekers in the U.S. possible. EAP Senior Advisor Steven McGann thanked the ROK for its efforts to help the U.S. understand this issue and the ROK's own process, and to help us find a way to assist North Korean asylum seekers in a way that complements the ROK's own process. McGann emphasized the need to maintain the framework that we have agreed upon for ROK assistance in U.S. processing for North Korean asylum seekers in Thailand and in cases of unauthorized entrants at U.S. diplomatic facilities.

Bangkok Six: Lessons Learned and Implications

14. (C) PRM Director of Admissions Terry Rusch reported that the processing of the Bangkok Six had gone mostly as we had envisioned, with the exception of the timing of involving UNHCR. In future cases, the U.S. would immediately involve UNHCR in order to ensure protection of the asylum seekers and to correspond to our mutual understanding of the manner in which cases would be presented. DG Nam concurred that the

case had proceeded mostly according to plan, but reported that the ROK was surprised that the case had arisen by asylum seekers presenting themselves at the U.S. Embassy, rather than being referred from Thai detention facilities as envisioned in the U.S. operational plan. DG Nam expressed concern that this precedent could lead to a large number of North Koreans approaching U.S. missions in a similar manner, and noted with concern press reports that have said the U.S. could accept from 200-1,000 North Korean refugees this year. Nam fears that such numbers could undermine the ROK's own program for resettling North Korean asylum seekers. Nam noted that the U.S. process was much faster than the ROK's own process for resettling North Koreans from Thailand (18 days vs. 3 months), which may further encourage North Koreans to approach U.S. missions.

15. (C) Nam expressed concern that Pastor Chun Ki-won, who had assisted these six asylum seekers in reaching U.S. Embassy Bangkok, has recently publicized the ROKG's role and methods in interviewing these asylum seekers to determine their nationality. Director Kim Ki-woong noted that this is the first time the ROK's procedures for confirming North Korean identity have been publicly revealed, and worried about the security implications of this revelation. The ROK appreciated, however, that the USG has been careful not to publicize this case. Nam noted that there has been a significant increase in the number of North Korean asylum seekers crossing into Thailand and Mongolia during the last month, and said the ROKG is looking into the cause for this

rapid increase. The ROK is closely monitoring host government's reactions. To date, Thailand has continued to say it is willing to provide the necessary cooperation for the ROK to discreetly process North Korean asylum seekers on a case by case basis, Nam said. A recent press report on the detention of North Korean asylum seekers by the RTG does not signal a change in the way the RTG handles such cases, but Nam worries that the RTG is publicizing this process as a warning to other North Koreans.

Russia and Mongolia Cases

¶16. (C) Rusch informed the ROK that the U.S. Consulate in Vladivostok was approached by three North Koreans seeking asylum on May 24. The ROK was unaware of any contact between these North Koreans and its consulate in Vladivostok, but would confirm with its consulate. Rusch delivered Reftel points on ROK assistance to the U.S. on these cases. Director Kim asked under what conditions the U.S. might reject individuals that the ROK has confirmed are legitimate North Koreans. DHS Joe Olivares reported that, in addition to meeting the definition of a refugee based on a well-founded fear of persecution, factors such as criminal activity or persecution of others could bar asylum seekers from admission to the U.S. Director Kim confirmed that rejection by the U.S. refugee program would not affect the ROK's consideration of North Korean asylum seekers that express their free will to resettle in the ROK. If UNHCR confirms the individuals are interested in U.S. resettlement, the ROK would assist in accordance with the previously agreed framework, Kim reported.

¶17. (C) Kim reported that Russia has not been very forthcoming in its approach to North Korean asylum seekers. When the ROK is approached by North Korean asylum seekers in Russia, the ROK: confirms that they are North Korean; arranges for a religious or NGO group to provide shelter; and refers the case to UNHCR. It is a violation of ROK law to refuse to assist North Korean asylum seekers that approach the ROKG, Nam said. That said, DG Nam reported that, because of the difficulties in facilitating the transfer of North Koreans from Russia to the ROK, the ROK does advise some North Koreans to proceed to Mongolia, if possible. While Russia is comparatively safe for North Koreans, just two weeks ago Russia deported a North Korean, the first such case since 2002. Nam indicated that the ROKG is investigating what prompted the GOR to take this action.

¶18. (C) The U.S. delegation noted the need for the U.S. to consider resettling North Korean asylum seekers from Mongolia, and that the USG planned to work with the ROKG on a contingency plan for handling cases that might arise there. The process for dealing with North Korean asylum seekers in Mongolia is very different, Director Kim explained. If North Koreans are captured crossing the border, they are detained temporarily at the border while the GOM contacts the ROK Embassy. They are then transported to a shelter in Ulaanbaatar, where the ROKG begins its processing. All arrangements are made directly between the ROKG and GOM, and no international organizations are involved in the process. After completing the process, the North Koreans are transported directly to the ROK, Kim reported. Mongolia treats these cases very sensitively, and has never announced that it accepts refugees, Kim stated.

ROK Assistance on North Korean Walk-Ins

¶19. (C) McGann turned to the recent case of the four North Koreans that entered ConGen Shenyang, and reported that the U.S. sees this as an exceptional case. The U.S. has not changed its position that unauthorized entry into U.S. diplomatic facilities will not further, and may undermine, claims for asylum and resettlement in the U.S. The U.S. will continue to seek ROK assistance on North Korean walk-ins in accordance with previously agreed modalities, McGann said.

DG Nam reaffirmed the previously agreed framework for handling these situations.

¶10. (C) DG Nam agreed with the U.S. assessment that the situation in Shenyang is an exceptional case, and stated that it is a regrettable situation that has put both the U.S. and ROK in difficult positions vis a vis the Chinese. Nam said that he understands the situation is basically being handled by the U.S. in consultation with the Chinese, but the ROK will consider any requests for "behind the scenes" assistance it may receive from the U.S. The ROK Consulate in Shenyang has increased its security to try to prevent another such event, and the situation there seems to have calmed, Nam reported. Rusch asked if the ROK would consider any of these individuals for resettlement in the ROK if they were found inadmissible for U.S. resettlement; Nam said that this is an exceptional case because of the manner in which the North Koreans escaped the Consulate, but if any are denied U.S. resettlement and express a renewed interest in the ROK, the ROK would consider applications from those North Koreans "from scratch."

North Koreans Under ROK Protection

¶11. (C) Nam opined that, in the wake of recent events, some North Koreans under ROK care in its diplomatic facilities have expressed an interest in U.S. resettlement. Nam said dealing with this situation is a "difficult question," as the ROK's basic policy is to respect the free will of asylum seekers but North Koreans' status under the ROK's legal system is that they are ROK citizens whom the ROK is obligated to assist. After explaining these two positions, Nam noted that the ROK does not oppose the free will of asylum seekers to be resettled in third countries, but cannot assist North Koreans in resettling elsewhere, as that would be perceived as neglecting its legal obligations. Once North Korean asylum seekers have expressed their free will and are under the ROK's protection in the resettlement process, these individuals should be excluded from consideration for resettlement elsewhere. The ROK is explaining to North Koreans in its care that it cannot assist them in approaching a U.S. mission in search of U.S. resettlement.

Assisting North Koreans in China

¶12. (C) PRM Melissa Pitotti reported that we hope that the PRC will follow-through on its commitment to send a delegation to Geneva to discuss China's international obligations with UNHCR. DG Nam repeated the ROK's position that a trilateral with the USG, ROKG and UNHCR is not

desirable, as this could unnecessarily provoke China by giving the appearance of "ganging-up" on it. The ROK continues to press the PRC at every opportunity and at all levels to expedite the transit of North Koreans in ROK diplomatic facilities. While the ROK would like to protest China's mistreatment of North Koreans, the ROK fears that speaking-out on this issue could provoke Chinese crack-downs on NGOs and North Koreans.

¶13. (C) Pitotti said the ROK continues to explore ways to provide assistance to North Koreans outside the DPRK, and has expanded assistance to North Koreans through international organizations. While the U.S. recognizes ROK concerns about funding NGOs, the U.S. has been approached by several NGOs that claim to meet U.S. criteria, Pitotti reported. Ms. Cho repeated ROK concerns about the problems with determining which NGOs may be reliable, and urged the U.S. to continue to work through international organizations. DG Nam addressed the ROK's position on UNHCR's proposal to create a "humanitarian space" in Northeast China, saying that while the ROK has no objection to it, the Chinese are not likely to agree to this proposal. It may be best to target assistance to North Koreans in Mongolia or Southeast Asia, Nam commented.

ROK Protests U.S. Asylum for Resettled North Koreans

¶14. (C) Attorney Advisor Frank Gaffney addressed the ROK's concerns about the recent decision of an immigration judge to grant U.S. asylum to a North Korean who had been resettled in the ROK. Gaffney explained that while the U.S. cannot guarantee that another such decision would not be made by an immigration judge, the Department of State has been closely consulting with DHS to emphasize the importance of carefully tracking these cases and considering appeal of future such cases. The USG's interpretation of the North Korea Human Rights Act is that it does not apply to North Koreans that have "availed themselves" of the benefit of ROK citizenship, and DHS has issued guidance to its asylum officers explaining that interpretation, Gaffney reported. The State Department understands the ROK's concerns about this issue, and will continue to carefully track the situation.

¶15. (C) Director Hahn commented that the U.S. and ROK have cooperated closely on the issue of North Korean refugees, and believes that the U.S. should be able to share more information with the ROK on the particular reasons for the decision in the LA case. Hahn asked about guidance to DHS officers that said North Koreans that had been resettled in the ROK should be considered both North and South Korean nationals; Gaffney reported that he is unaware of that guidance, but would look into it. DHS Olivares responded to Hahn's question about firm resettlement, informing him that this issue is indeed considered in asylum proceedings.

¶16. (C) DG Nam thanked the U.S. delegation for the helpful discussion of many urgent issues, which has provided a deeper understanding of the situation. Nam said the ROK will continue to cooperate with the U.S. on this issue "from behind the curtain," and hopes to continue these consultations on this important issue.

¶17. (U) Participants

ROK:

NAM Gwan-pyo, Director-General for Policy Planning
KIM Ki-woong, Director for Inter-Korean Policy Division
HAHN Choon-hee, Director for North American Division I
PARK Ji-hyun, First Secretary, Inter-Korean Policy Division
LEE Byeong-do, First Secretary, North America Division I
LEE Kwang-suk, Second Secretary, North-east Asia Division II
CHO Hyung-hwa, Second Secretary, Human Rights and Social Affairs Division
CHP Yong-sik, Deputy Director, Ministry of Unification
LEE Si-youn, Program Officer

USG:

Steven McGann, Senior Advisor EAP

Terry Rusch, Admissions Director PRM
Frank Gaffney, Attorney Advisor L
Laura Rosenberger, Foreign Affairs Officer EAP/K (notetaker)
Melissa Pitotti, Program Officer PRM
Jose Olivares, DHS Attache, Embassy Seoul
Jim Wayman, Poloff, Embassy Seoul
Andrew Bennett, PolOff, Embassy Seoul
VERSHBOW